

State of Arizona
COMMISSION ON JUDICIAL CONDUCT

Disposition of Complaint 12-261

Complainant: Anonymous
 Donna Grimsley

Judge: Butch Gunnels

ORDER

The complainants alleged a justice of the peace was abusive following a motorcycle accident and that he had as a motorcycle passenger at the time of the accident an individual who was on intensive probation in his county and who had appeared before him in criminal matters.

After reviewing the allegations and the judge's responses, the commission finds that the justice of the peace in this case violated the Code of Judicial Conduct. Rule 1.2 of the Code requires judges to "act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety." Judge Gunnels invited a woman for a motorcycle ride who had appeared before him in court as a criminal defendant multiple times and who, at the time, was on intensive probation due to felony convictions. She should not have been in the county where the accident occurred based on the terms of her probation. Further, when the two were involved in an accident on that ride, Judge Gunnel was profane and disrespectful in his dealings with the law enforcement and emergency response personnel attending the scene.

Accordingly, Judge Butch Gunnels is hereby publicly reprimanded for his conduct as described above and pursuant to Commission Rule 17(a). The record in this case, consisting of the complaints, the judge's responses, and this order shall be made public as required by Rule 9(a).

Dated: February 27, 2013.

FOR THE COMMISSION

Louis Frank Dominguez
Commission Chair

Copies of this order were mailed to the complainant and the judges on February 27, 2013.

This order may not be used as a basis for disqualification of a judge.

Commission on Judicial Conduct

1501 W Washington Street, Ste. 229

Phoenix, AZ 85007

OCT 02 2012

To Whom It May Concern:

On September 16, 2012, Judge Butch Gunnells, the Judge from St. Johns Justice Court and St. Johns Municipal Court was involved in a motorcycle accident in Show Low, Navajo County, Arizona.

It is told that the rear tire blew out resulting in minor injuries and the police being called to investigate. He was bleeding from a head injury, refused to go to hospital or have paramedics on the scene check him and bandage the wound. The passenger on the back of his motorcycle was a female, Bryce L. Hall. The judge had indicated that this was their first date.

I have several concerns:

First is his behavior, the vulgar language that he used to the officers and paramedics present over and over again when they were trying to render aid. He continued cursing using horrible language; (ie. F_ _ _). There is no reason that any person, especially a JUDGE should talk to anyone like he was. Discredit to the judiciary!

Second is his passenger/girlfriend is currently on INTENSE Supervised Probation out of Apache County, which is where he is a Judge. According to the AZ Judicial Branch PUBLIC Access, ALL of the numerous charges through the years have been filed in his court. He has issued Search Warrants, FTA Warrants, held hearings. She has been charged with Possession of Marijuana, Possession of Paraphernalia, Contributing to Minors, Aggravated DUI, Possession of Narcotic Drugs, Possession of Prescription ONLY Drugs, and Prisoner Contraband, all originally filed in his court, which he presided over.

IS THIS ETHICAL???????

His behavior was appalling and a discredit to the judicial system as a whole. It is terrible to think that someone of his character is serving our public and setting an example in our communities. He is disrespectful and a poor example for our judiciary. He does not possess or exhibited the standards of ethics outlined in your Canons. He brings disrepute to the judicial office.

Is he Upholding, Exhibiting and Preserving Integrity? Enforcing High Standards of Conduct? Is he at all times promoting public confidence?

Respectfully,

A Very Concerned Citizen

**SUPERIOR COURT OF ARIZONA****APACHE COUNTY**

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DONNA J. GRIMSLEY, PRESIDING JUDGE

October 2, 2012

Commission on Judicial Conduct
1501 W. Washington Street, Suite 229
Phoenix, AZ 85007

Re: Butch Gunnels
St. Johns Justice of the Peace, Apache County

Dear Commission Members,

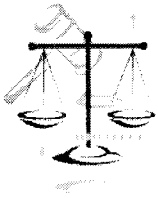
It has come to my attention that Justice of the Peace Butch Gunnels was in a motorcycle accident on September 16, 2012. The passenger on his motorcycle at the time was his date, a young woman named Bryce Hall. Ms. Hall is on Intensive Probation in Apache County. Judge Gunnels presided over her cases at the Justice Court level in 2010 and 2011. She was ultimately placed on Intensive Probation for these charges. At the time of the accident, Ms. Hall was out of County and was non-compliant with her Intensive Probation schedule. As a result she was incarcerated following the accident.

I am concerned about the appearance of impropriety and the ethical implications of this event. I forward a copy of the police report of the accident and transmittal certifications of Ms. Hall's cases through St. Johns Justice Court.

Sincerely,

DONNA J. GRIMSLEY
Presiding Judge

Enclosures



Butch L. Gunnels

St. Johns Justice Court
St. Johns Municipal Court



Monday, October 22, 2012

OCT 23 2012

State of Arizona
Commission on Judicial Conduct
1501 West Washington Street, Suite 229
Phoenix, AZ 85007

Re: Case No. 12-261

Members of the Commission,

I have known Ms. Hall's Grandparents and parents for over 15 years. Not in a, have you over for dinner way, but more of a casual way. It is true, Ms. Hall came through my court, but I have never done a preliminary hearing on any of her cases. Her counsel has taken her cases up to Superior Court. It is important to note. I had met her prior to her coming through my court but have not formed an opinion of her in one way or the other.

Anyone who knows me in town knows I go for a ride every weekend on my Harley. I follow the same road every time I call it "the loop". The day before the accident I rode this and was planning on doing it again the next day. While I was at a stop sign in St. Johns Ms. Hall was walking by. She said "Hello." I said "hello" back. I asked about her dad and Grandfather. She said they were fine. She told me she had never ridden on a motorcycle and asked me to give her a ride. I told her I was done for the day but was going again tomorrow. She asked if she could go. I said I didn't care if her dad said it was okay, and she could go. I did not know she was on intensive probation and she did not tell me. If she had I would have said "No." I did not know that she could not leave Apache County. I was aware that she had matters in Superior Court but she told me those had been handled. She has no matters in my court at this time. (It is important to note I have given people rides on my motorcycle before.)

The day of the accident, I rode my bike to the store and headed out. I did pick Ms. Hall up at her fathers. He also did not tell me she was not allowed to go. So I started to ride the loop. As I was leaving Show Low toward Linden I heard a loud pop, almost like a gunshot; the rear tire of my Harley had blown. I was just coming out of a 45 mph zone. I fought the bike as long as I could but it went down. I then got the bike up and out of the roadway. I checked Ms. Hall and she had two small scrapes on the small of her back. I had a small cut on the left side of my head and a small scrape on my left shoulder.

I got out my insurance information and drivers license and waited for the police. A Department of Public Safety Officer showed up first. I gave him my information. He then told me to get in the ambulance and go to the hospital. I explained to him I had been to E.M.T. School and had assessed my injuries. I told him I wasn't going to take an expensive ambulance ride for nothing. This seemed to make him mad. I don't know him. I've never seen him before and would not know

him if I saw him again. But I felt he was rude. He told me he was towing my bike. I felt that was uncalled for since it was not blocking traffic. It is important to note I was a police officer for over 20 years and have done my share of accidents, if the vehicles were not blocking the roadway, at the owner's request we left them.

The complaint says I refused to let paramedics check me. That is untrue. The paramedics put a bandage on my cut. We even discussed motorcycle accidents. I never tried to hide the fact Bryce Hall was on my motorcycle. If I had she could have simply gotten into my friends vehicle that was there 15 minutes before any police showed up and left. That's not the way I am. I don't hide anything.

My language... well... I was almost killed. I'm not sure about it but I know I cussed some due to the fact I was getting sick of someone trying to force me in an ambulance and I was asked several times if Ms. Hall was my wife, girlfriend or live in. To which I said no. As far as the first date comment; I was asked if we were dating. I said "no. This is the first time she had been on a motorcycle so she had a horrible first date." I also told the officer I knew her family. I then went to check and see if Ms. Hall was going to go to the emergency room to be checked out. She said no she was fine.

When I turned around the Department of Public Safety Officer had left and a Show Low Police Department Officer was there. He was friendly and courteous. He gave me my Driver's License and insurance card back. I asked him where the other officer was and he told me he had left and I said "good." I then got into my friends Yukon and he drove me and Ms. Hall home.

In closing I would like to say Ms. Hall and I do not have now or have ever had or am going to have a romantic relationship. I had no idea of her probation status and did not know until this complaint was filed and I read it.

As far as proceeding over her cases on all of them her Attorney and she waived preliminary hearings. So I did not know the evidence or the outcome. In the future I will recues myself of any of her cases that come into my jurisdiction.

As far as concerned citizen; there were only two people at the scene who were not first responders "ie" police or ambulance personnel; and they are both friends of mine. If I said something that offended them then I am sorry. However as a first responder you hear bad language a lot. I know I was one. I did not realize as a victim of an accident I was required not to use profanity. I do not use profanity on the bench and do not allow it in my courtroom.

Had I know what I know now. I would have self reported on this matter.

Thank you for your time.

Sincerely,

Butch L. Gunnels
Justice of the Peace
City Magistrate